



February 9, 2024

Mark Langer, Clerk
U.S. Court of Appeals for the District of Columbia Circuit
33 Constitution Avenue N.W.
Washington, D.C. 20001

Re: *American Chemistry Council v. EPA*, No. 23-1204

Dear Mr. Langer:

Petitioner Environmental Defense Fund (“EDF”) writes to inform this Court that it does not plan to file an intervenor brief in the above-captioned case.

On September 8, 2023, Petitioners American Chemistry Council and American Fuel & Petrochemical Manufacturers filed a statement of issues indicating a broad challenge to the EPA rule at issue. Doc. No. 2015884 (“Whether EPA’s final rule... is contrary to [the Toxic Substances Control Act], unreasonable, arbitrary and capricious, an abuse of discretion, without adequate explanation of its reasoning, or otherwise not in accordance with law”). In order to protect its interest in preserving public access to information about chemicals regulated under the Toxic Substances Control Act, EDF filed its motion to intervene, which this Court granted. Doc. No. 2017812. The Court also granted the motion of American Chemistry Council to intervene in EDF’s petition for review of EPA’s rule. *Id.*

Petitioners have filed their opening briefs with the Court. In contrast to its expansive statement of issues, the opening brief of American Chemistry Council and American Fuel & Petrochemical Manufacturers focuses on a single issue, Doc. No. 2026001, about which EDF takes no position. EDF will therefore not file an intervenor brief in response to Petitioners’ brief.

EDF intends to remain as an intervenor in this case in order to continue advocating for its interests in the case that other developments arise.

Sincerely,

/s/ Samantha Liskow
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cc: ECF Service List